

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

GREGORY C. LANGHAM
CLERK OF COURT

Room A-105, Alfred A. Arraj U.S. Courthouse
901 19th Street
Denver, Colorado 80294-3589
Phone (303) 844-3433
www.cod.uscourts.gov

October 3, 2008

Address:

**U.S. District Court
333 Lomas N.W.
Albuquerque, NM 87102**

RECEIVED
ALBUQUERQUE, N.M.
OCT 3 2008
MATTHEW J. DYKMAN
CLERK

Colorado Case Number:08-mj-1181-KLM
Receiving Court Case Number: CR-05-1849 JH

Dear Clerk:

The above numbered case has been ordered transferred to your district pursuant to Rule 5 & 5.1 Federal Rules of Criminal Procedure.

You may access electronically filed documents in this case at our ECF/PACER web address <http://ecf.cod.uscourts.gov>. Any documents not available electronically are enclosed in paper format.

Please acknowledge receipt by returning a date stamped copy of this letter noting the case number in your court in the enclosed envelope.

Very truly yours,
Gregory C. Langham, Clerk

By: s/ Laura Blunkall
Deputy Clerk

**U.S. District Court
District of Colorado (Denver)
CRIMINAL DOCKET FOR CASE #: 1:08-mj-01181-KLM-1
Internal Use Only**

Case title: USA v. Osgood
Other court case number: CR-05-1849 JH U.S. District
Court, District of New Mexico

Date Filed: 09/30/2008

Assigned to: Magistrate Judge Kristen
L. Mix

Defendant (1)

George Osgood
also known as
Mushroom George

represented by **Edward Robin Harris**
Office of the Federal Public Defender
633 Seventeenth Street
#1000
Denver, CO 80202
303-294-7002
Fax: 303-294-1192
Email: Edward_Harris@fd.org
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

Disposition

21:846=CD.F - CONSPIRACY TO
DISTRIBUTE 1000 KILOGRAMS
AND MORE OF MARIJUANA;

18:1956(h)- CONSPIRACY TO
LAUNDER MONEY; , 18:982.F -
CRIMINAL FORFEITURE.

Plaintiff

USA

represented by **Zachary Hugh Phillips**
U.S. Attorney's Office-Denver
1225 17th Street East
Seventeenth Street Plaza
#700
Denver, CO 80202
303-454-0100
Fax: 303-454-0409
Email: Zachary.Phillips@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/03/2008	<u>8</u>	COMMITMENT TO ANOTHER DISTRICT as to George Osgood. Defendant committed to District of New Mexico. Signed by Magistrate Judge Kristen L. Mix on 10/3/08. (lab,) (Entered: 10/03/2008)
10/03/2008	<u>7</u>	ORDER OF DETENTION as to George Osgood Signed by Magistrate Judge Kristen L. Mix on 10/3/08. (labsl,) (Entered: 10/03/2008)
10/03/2008	<u>6</u>	WAIVER of Rule 5(c)(3) Hearing by George Osgood (labsl,) (Entered: 10/03/2008)
10/03/2008	<u>5</u>	Minute Entry for proceedings held before Magistrate Judge Kristen L. Mix: Identity and Detention Hearing as to George Osgood held on 10/3/2008; statements regarding detention. ORDERED: Defendant detained, to be transported to the District of New Mexico. Defendant remanded. (Tape #FTR KLM AM.) (labsl,) (Entered: 10/03/2008)
10/01/2008	<u>4</u>	NOTICE OF ATTORNEY APPEARANCE: Edward Robin Harris appearing for George Osgood (Harris, Edward) (Entered: 10/01/2008)
09/30/2008	<u>3</u>	Sealed Document-Financial Affidavit (lab,) (Entered: 10/01/2008)
09/30/2008	<u>2</u>	Minute Entry for proceedings held before Magistrate Judge Kristen L. Mix: Initial Appearance in Rule 5(c)(3) Proceedings as to George Osgood held on 9/30/2008. ORDERED: Federal Public Defender appointed. Detention and Identity Hearing set for 10/3/2008 10:00 AM in Courtroom C204 before Magistrate Judge Kristen L. Mix. Defendant remanded. (Tape #FTR KLM PM.) (lab,) (Entered: 10/01/2008)
09/30/2008	<u>1</u>	RULE 5 AFFIDAVIT as to George Osgood from the District of New Mexico. (nmmsl,) (Entered: 09/30/2008)

AO 442 (Rev. 5/93) Warrant for Arrest

1076626

United States District Court

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

v.

WARRANT FOR ARREST

George Osgood, a/k/a "Mushroom George"

CASE NUMBER: CR-05-1849 JH

To: The United States Marshal
and any Authorized United States Officer

CO Cse #08-mj-1181-KLM

YOU ARE HEREBY COMMANDED to arrest George Osgood, a/k/a "Mushroom George"

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☒ Indictment ☐ Information ☐ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

Count 1: 21 U.S.C. § 846 - Conspiracy to Distribute 1000 Kilograms and More of Marijuana; Count 2: 21 U.S.C. § 848 - Continuing Criminal Enterprise; Count 3: 18 U.S.C. § 1958(h) - Conspiracy to Launder Money; Counts 4 - 26: 18 U.S.C. §§ 1956(a)(1)(A)(i) and (a)(1)(B)(i) - Money Laundering; 18 U.S.C. § 982 and 21 U.S.C. § 853: Criminal Forfeiture.

in violation of

Title 21 United States Code, Section(s) 848

Matthew J. Dykman

Name of Issuing Officer

Signature of Issuing Officer

Court Clerk

Title of Issuing Officer

Date and Location

Bail fixed at \$ _____ by _____
Name of Judicial Officer

RETURN		
This warrant was received and executed with the arrest of the above-named defendant at _____		
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

This form was electronically produced by Elite Federal Forms, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**FILED**
At Albuquerque NM

APR 25 2006

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANA JARVIS a/k/a Todd Ward,
 AYLAR JARVIS,
 BENJAMIN SWENTNICKAS a/k/a
 "Doc,"
 DENNIS WILSON a/k/a "Big Dennis,"
 GEORGE RIPLEY,
 DAVID REID,
 JOHN PATRICIO NIETO a/k/a
 "Townman" a/k/a "Big John,"
 LLOYD MONTOYA a/k/a "Smiley,"
 GEORGE OSGOOD a/k/a "Mushroom
 George,"
 GREG HILL,
 GENO BERTHOD a/k/a "Old Man,"
 RUSSELL TRUJILLO a/k/a "Rusty,"
 MATTHEW HOTHAN a/k/a "Matrix,"
 MANUEL GIL a/k/a "Manny,"
 MELANIA KIRWIN a/k/a Mila Kirwin,
 HOLLY BRUNER a/k/a "Q,"
 SAM JONES,
 BILL JONES a/k/a Charles Johnston,
 DAKOTA FITZNER,
 RAFAL MISTRZAK,
 MARY CANNANT, and
 ADRIAN SANFORD.

Defendants.

MATTHEW J. DYKMAN
CLERK

CO Ccc #08-mj-1181-KLM

CRIMINAL NO. 05-1849 JH

Count 1: 21 U.S.C. § 846 –
 Conspiracy to Distribute 1000
 Kilograms and More of Marijuana;

Count 2: 21 U.S.C. § 848 –
 Continuing Criminal Enterprise;

Count 3: 18 U.S.C. § 1956(h) –
 Conspiracy to Launder Money;

Counts 4 - 26: 18 U.S.C.
 §§ 1956(a)(1)(A)(i) and (a)(1)(B)(i) –
 Money Laundering;

18 U.S.C. § 982 and 21 U.S.C.
 § 853: Criminal Forfeiture.

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT 1

From approximately 1990, the precise date being unknown to the Grand Jury, up to and including August 25, 2005, in the State and District of New Mexico, and elsewhere, the defendants, DANA JARVIS a/k/a Todd Ward, AYLAR JARVIS, BENJAMIN SWENTNICKAS a/k/a "Doc," DENNIS WILSON a/k/a "Big Dennis,"

GEORGE RIPLEY, DAVID REID, JOHN PATRICIO NIETO a/k/a "Townman" a/k/a "Big John," LLOYD MONTOYA a/k/a "Smiley," GEORGE OSGOOD a/k/a "Mushroom George," GREG HILL, GENO BERTHOD a/k/a "Old Man," RUSSELL TRUJILLO a/k/a "Rusty," MATTHEW HOTHAN a/k/a "Matrix," MANUEL GIL a/k/a "Manny," MELANIA KIRWIN a/k/a Mila Kirwin, HOLLY BRUNER a/k/a "Q," SAM JONES, BILL JONES a/k/a Charles Johnston, DAKOTA FITZNER, RAFAL MISTRZAK, MARY CANNANT, and ADRIAN SANFORD, did unlawfully, knowingly and intentionally combine, conspire, confederate and agree with each other and with other persons whose names are known and unknown to the grand jury to distribute 1000 kilograms and more of marijuana, a schedule I controlled substance, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

Manner and Means of the Conspiracy

During the course of the conspiracy, the defendants and other unindicted co-conspirators participated in a collective endeavor, organized and supervised by defendant Dana Jarvis, to distribute marijuana for profit. Dana Jarvis obtained bulk wholesale quantities of marijuana from sources of supply in the Tucson, Arizona area, including defendant BENJAMIN Swentnickas and unindicted co-conspirators Jorge Luis Ortiz-Moffett, "Navigator," and Dennis Cox. Prior to purchase, the marijuana was inspected for quality by Dana Jarvis and/or another member of the conspiracy, including Dana Jarvis's daughter, defendant Ayla Jarvis. The marijuana was then weighed and wrapped by members of the conspiracy, including defendants Manuel Gil, Dennis Wilson, Melania Kirwin, Holly Brunner, Matthew Hothan, Sam Jones, and Adrian Sanford at "stash house" locations in the Tucson area.

Generally, the bulk marijuana was transported by members of the conspiracy, including defendants Russell Trujillo, Lloyd Montoya, and Dakota Fitzner, from the Tucson area to New Mexico where it was stored at additional stash houses maintained by Dana Jarvis and/or other members of the conspiracy, including defendants Mary

Cannant, Dakota Fitzner, and Dennis Wilson. From the New Mexico stash houses, marijuana was transported by members of the conspiracy, including defendants George Ripley and Dakota Fitzner, to various locations throughout the United States, to include the Denver, Colorado area; Columbus, Ohio; and Bloomington, Indiana. Although the marijuana was generally transported in duffel bags by motor vehicle, in the summer of 2005 the marijuana was also transported in suitcases aboard aircraft piloted by defendant David Reid.

From the Denver area, defendant Geno Berthod transported the marijuana to the east coast of the United States. In Bloomington, defendant Greg Hill re-distributed the marijuana for profit. In Columbus the marijuana was re-distributed for profit by unindicted co-conspirators.

The proceeds from the distribution of the marijuana, in the form of United States currency, were transported back to New Mexico, either by motor vehicle driven by members of the conspiracy, including defendants Dakota Fitzner, Rafal Mistrzak and George Osgood, or aboard aircraft piloted by defendant David Reid. In New Mexico, the proceeds would be delivered to members of the conspiracy who would count the proceeds. Some or all of the proceeds were then transported by members of the conspiracy, including defendant John Nieto, to an unindicted co-conspirator in Tucson for safekeeping. Dana Jarvis used the proceeds to, among other things, purchase assets, pay co-conspirators, operate his nightclub in Albuquerque (Club Rhythm and Blues), and purchase additional bulk marijuana for distribution.

In violation of 21 U.S.C. § 846.

COUNT 2

From approximately 1990, the precise date being unknown to the Grand Jury, up to and including August 25, 2005, in the State and District of New Mexico, and elsewhere, defendant **DANA JARVIS** a/k/a Todd Ward, did unlawfully, knowingly and

intentionally engage in a continuing criminal enterprise, in that the defendant did violate the provisions of Title 21 of the United States Code, Sections 841(a) and 841(b), the punishment for which exceeds one year imprisonment, and such violations were part of a continuing series of violations of Title 21 of the United States Code that were undertaken by the defendant in concert with five or more other persons with respect to whom the defendant occupied a position of organizer, a supervisory position, or other positions of management, and from which the defendant obtained substantial income and resources, and the said violations included, without limitation, the following: (1) possession with intent to distribute marijuana in early March 2005; (2) possession with intent to distribute marijuana on or about May 20, 2005; (3) possession with intent to distribute marijuana in early July 2005; (4) possession with intent to distribute marijuana on or about July 16, 2005; and (5) possession with intent to distribute marijuana on or about August 11, 2005.

In violation of 21 U.S.C. §§ 848(a), 848(c) and 18 U.S.C. § 2.

COUNT 3

From approximately 1990, the precise date being unknown to the Grand Jury, up to and including August 25, 2005, in the State and District of New Mexico, and elsewhere, the defendants, **DANA JARVIS** a/k/a Todd Ward; **AYLA JARVIS**, **GEORGE RIPLEY**, **DAVID REID**, **JOHN PATRICIO NIETO** a/k/a "Townman" a/k/a "Big John," **GEORGE OSGOOD** a/k/a "Mushroom George," **GREG HILL**, **GENO BERTHOD** a/k/a "Old Man," **DAKOTA FITZNER**, and **RAFAL MISTRZAK**, did unlawfully, knowingly and intentionally conspire and agree with each other and with other persons whose names are known and unknown to the grand jury to commit the following offenses against the United States, that is, laundering of monetary instruments, in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i) and 1956(a)(1)(B)(i).

In violation of 18 U.S.C. § 1956(h).

COUNTS 4 - 12

On or about the dates listed below, in the State and District of New Mexico, and elsewhere, defendant **DANA JARVIS** a/k/a Todd Ward, did knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, to wit: the transfer of currency through First State Bank checking account number 1874527, which involved the proceeds of specified unlawful activity, that is conspiracy to distribute marijuana in violation of 21 U.S.C. §§ 841(a)(1) and 846, with the intent to promote the carrying on of such specified unlawful activity, and knowing that each transaction was designed in whole or in part to conceal and disguise, the nature, location, source, ownership, and control of the proceeds of such specified unlawful activities, and that while conducting and attempting to conduct each financial transaction, knew that the property involved in the financial transaction, that is, the checks identified below, represented the proceeds of some form of unlawful activity:

<u>Count</u>	<u>Date Check Cleared</u>	<u>Amount of Check</u>	<u>Check Number</u>	<u>Name of Payee</u>
4	December 4, 2002	\$932.08	589	Commercial Federal
5	January 6, 2003	\$932.08	590	Commercial Federal
6	February 3, 2003	\$932.08	604	Commercial Federal
7	March 10, 2003	\$932.08	622	Commercial Federal
8	April 9, 2003	\$932.08	638	Commercial Federal
9	May 12, 2003	\$932.08	653	Commercial Federal
10	June 9, 2003	\$932.08	668	Commercial Federal
11	July 7, 2003	\$932.08	686	Commercial Federal
12	August 11, 2003	\$932.08	701	Commercial Federal

All in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i), 1956(a)(1)(B)(i) and 2.

COUNTS 13 - 23

On or about the dates listed below, in the State and District of New Mexico, and elsewhere, defendant **DANA JARVIS a/k/a Todd Ward** did knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, to wit: the transfer of currency through First State Bank savings account number 1223801, which involved the proceeds of specified unlawful activity, that is conspiracy to distribute marijuana in violation of 21 U.S.C. §§ 841(a)(1) and 846, with the intent to promote the carrying on of such specified unlawful activity, and knowing that each transaction was designed in whole or in part to conceal and disguise, the nature, location, source, ownership, and control of the proceeds of such specified unlawful activity, and that while conducting and attempting to conduct each financial transaction, knew that the property involved in the financial transaction, that is, the drafts identified below, represented the proceeds of some form of unlawful activity:

<u>Count</u>	<u>Date Draft Cleared</u>	<u>Amount of Draft</u>	<u>Name of Payee</u>
13	July 7, 2004	\$932.08	Commercial Federal
14	August 4, 2004	\$932.08	Commercial Federal
15	September 7, 2004	\$932.08	Commercial Federal
16	October 5, 2004	\$932.08	Commercial Federal
17	November 4, 2004	\$932.08	Commercial Federal
18	December 6, 2004	\$932.08	Commercial Federal
19	January 4, 2005	\$932.08	Commercial Federal
20	February 4, 2005	\$932.08	Commercial Federal
21	March 4, 2005	\$932.08	Commercial Federal
22	April 5, 2005	\$932.08	Commercial Federal
23	May 4, 2005	\$932.08	Commercial Federal

All in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i), 1956(a)(1)(B)(i) and 2.

6

COUNTS 24 - 26

On or about the dates listed below, in the State and District of New Mexico, and elsewhere, defendant **DANA JARVIS a/k/a Todd Ward**, did knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, to wit: the transfer of currency from Compass Bank checking account number 87080587 into First State Bank checking account number 1874527, which involved the proceeds of specified unlawful activity, that is conspiracy to distribute marijuana in violation of 21 U.S.C. §§ 841(a)(1) and 846, with the intent to promote the carrying on of such specified unlawful activity, and knowing that each transaction was designed in whole or in part to conceal and disguise, the nature, location, source, ownership, and control of the proceeds of such specified unlawful activity, and that while conducting and attempting to conduct each financial transaction, knew that the property involved in the financial transaction, that is, the checks identified below, represented the proceeds of some form of unlawful activity:

<u>Count</u>	<u>Date Check Cleared</u>	<u>Amount of Check</u>	<u>Check Number</u>	<u>Name of Payee</u>
24	January 31, 2005	\$700.00	7321	Santa Fe Consulting
25	February 7, 2005	\$700.00	7351	Santa Fe Consulting
26	July 19, 2005	\$1,350.00	8038	Santa Fe Consulting

All in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i), 1956(a)(1)(B)(i) and 2.

FORFEITURE ALLEGATION

Upon conviction of one or more of the offenses alleged in Counts 1 through 26 of this Superseding Indictment, the defendants, **DANA JARVIS a/k/a Todd Ward**, **AYLA JARVIS**, **BENJAMIN SWENTNICKAS a/k/a "Doc"**, **DENNIS WILSON a/k/a "Big Dennis"**, **GEORGE RIPLEY**, **DAVID REID**, **JOHN PATRICIO NIETO a/k/a "Townman"**

a/k/a "Big John," LLOYD MONTOYA a/k/a "Smiley," GEORGE OSGOOD a/k/a "Mushroom George," GREG HILL, GENO BERTHOD a/k/a "Old Man," RUSSELL TRUJILLO a/k/a "Rusty," MATTHEW HOTHAN a/k/a "Matrix," MANUEL GIL a/k/a "Manny," MELANIA KIRWIN a/k/a Mila Kirwin, HOLLY BRUNER a/k/a "Q," SAM JONES, BILL JONES a/k/a Charles Johnston, DAKOTA FITZNER, RAFAL MISTRZAK, MARY CANNANT, and ADRIAN SANFORD, shall forfeit to the United States pursuant to 21 U.S.C. § 853 any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of each offense in violation of 21 U.S.C. §§ 841, 846, or 848 for which the defendants are convicted, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said offenses, and shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(1) all property, real and personal, involved in each offense in violation of 18 U.S.C. § 1956, or conspiracy to commit such offense, for which the defendants are convicted, and all property traceable to such property, including but not limited to the following:

1. MONEY JUDGMENT

A sum of money equal to \$158,400,000.00 United States currency, representing the amount of money derived from or involved in the offenses, for which the defendants are jointly and severally liable.

2. BANK ACCOUNTS

a. All United States currency, funds, or other monetary instruments credited to account number 40455157, in the name of Dana Jarvis, located at Bank One, or its successor in interest.

b. All United States currency, funds, or other monetary instruments credited to account number 689832822, in the name of Dana Jarvis, located at Bank One, or its successor in interest.

B

c. All United States currency, funds, or other monetary instruments credited to account number 1874527, in the name of Dana Jarvis, located at First State Bank, or its successor in interest.

d. All United States currency, funds, or other monetary instruments credited to account number 1223801, in the name of Dana Jarvis, located at First State Bank, or its successor in interest.

e. All United States currency, funds, or other monetary instruments credited to account number 87080587, in the name of Continental Steel West Corp. d/b/a Continental Steel, located at Compass Bank, or its successor in interest.

f. All United States currency, funds, or other monetary instruments credited to account number 2504448676, in the name of RC Aviation, located at Compass Bank, or its successor in interest.

g. All United States currency, funds, or other monetary instruments credited to account number 7692178673, in the name of Barbara Hanna, located at Wells Fargo Bank, or its successor in interest.

3. REAL PROPERTY

a. 1440 Calle Cielo Vista, Bernalillo, New Mexico, which is more particularly described as follows:

TRACT LETTERED "C", OF THE SCHLAKE ADDITION, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT ENTITLED "TRACTS A THROUGH D, SCHLAKE ADDITION, SANDOVAL COUNTY, NEW MEXICO", FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO ON JULY 17, 1978, IN PLAT BOOK 2, FOLIO 237-B.

b. 3523 Central Avenue N.E., Albuquerque, New Mexico, which is more particularly described as follows:

LOTS NUMBERED TEN (10), ELEVEN (11) AND TWELVE (12) IN BLOCK NUMBERED FOUR (4) OF MONTE VISTA, AN ADDITION TO THE CITY OF ALBUQUERQUE, NEW MEXICO, AS THE SAME ARE SHOWN AND DESIGNATED ON THE MAP OF SAID ADDITION FILED IN THE OFFICE

OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO,
OCTOBER 14, 1926.

THERE IS EXCEPTED THE NORTHERLY PORTION OF SAID LOT THEN
(10) WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT TEN (10)
RUNNING

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF NORTH
CARLISLE AVENUE, 62.28 FEET TO THE SOUTHEAST CORNER OF THE
TRACT HEREIN DESCRIBED; THENCE WESTERLY, PARALLEL WITH
AND 60 FEET NORTHERLY AT RIGHT ANGLES FROM THE NORTHERLY
LINE OF EAST CENTRAL AVENUE, 80.19 FEET TO THE SOUTHWEST
CORNER OF THE TRACT HEREIN DESCRIBED; THENCE NORTHERLY
ALONG THE WESTERLY LINE OF SAID LOT 10, 86.09 FEET TO THE
NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED WHICH IS
THE NORTHWEST CORNER OF SAID LOT 10; THENCE EASTERLY
ALONG THE SOUTHERLY LINE OF CAMPUS BOULEVARD, 86.97 FEET
TO THE PLACE OF BEGINNING.

c. 8012 1st Street N.W., Albuquerque, New Mexico, which is more
particularly described as follows:

LOT "A-1" OF THE PLAT OF LOTS A-1 AND A-2, LANDS OF LARRY
SWANK, SITUATE WITHIN PROJECTED SECTION 22, T. 11 N., R. 3 E.,
N.M.P.M., BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS
SHOWN AND DESIGNATED ON SAID PLAT FILED IN THE OFFICE OF
THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON
FEBRUARY 2, 1995.

d. 67 Willow (a/k/a 28 Quail Run), Santa Fe, New Mexico, which is more
particularly described as follows:

SE 1/4 SE 1/4 NE 1/4 SW 1/4 OF SECTION 31, TOWNSHIP 15 NORTH,
RANGE 9 EAST, N.M.P.M., SANTA FE COUNTY, NEW MEXICO.

4. CONVEYANCES

- a. 1978 Beechcraft King Air C-90 Turboprop Aircraft, United States
Registration Number N754TW, Serial Number LJ-754.
- b. 1972 Cessna 421B Aircraft, United States Registration Number N3AJ,
Serial Number 421B0230.
- c. 1999 Honda Accord, VIN 1HGCG1856XA057214.
- d. 1999 Chevrolet Z-71 pickup, VIN 2GCEK19T1X1204114.

e. 2003 Honda Goldwing motorcycle, VIN 1HFSC47023A207622.

5. LIQUOR LICENSE

New Mexico Liquor License No. 2599 in the name of Club Rhythm and Blues located at 3523 Central N.E., Albuquerque, New Mexico, owned by Dana Jarvis.

6. UNITED STATES CURRENCY

- a. \$1,050.00 in United States currency seized from 5 Camerada Road, Santa Fe, New Mexico on August 25, 2005.
- b. \$40,000.00 in United States currency seized from 3900 Ramp Creek Road, Bloomington, Indiana on August 25, 2005.
- c. \$8,000.00 in United States currency seized from 9227 West Weaver Circle, Casa Grande, Arizona on August 25, 2005.
- d. \$42,000.00 in United States currency seized from 05 Lauro, Santa Fe, New Mexico on August 25, 2005.

If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value;
- (e) has been commingled with other property which cannot be divided without difficulty;

It is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described above, including but not limited to the following:

11

1. REAL PROPERTY

a. 9227 West Weaver Circle, Casa Grande, Arizona, which is more particularly described as follows:

SITUATED IN PINAL COUNTY, ARIZONA TO WIT: LOT 2, OF WEAVER RANCH UNIT 1, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF PINAL COUNTY, ARIZONA, IN CABINET C OF MAPS, SLIDE 174.

b. 7596 Corrales Road, Corrales, New Mexico, which is more particularly described as follows:

LOT NUMBERED TWO (2), CORRALES CLASSIC FARMS, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT THEREOF ENTITLED "SUMMARY PLAT, LOTS 1 AND 2, CORRALES CLASSIC FARMS, SITUATE WITHIN THE TOWN OF ALAMEDA GRANT (PROJECTED), SECTION 14, T.12N., R.3E., N.M.P.M., BEING A REPLAT OF A PORTION OF TRACT 30 AND ALL OF TRACTS 31 AND 32, MIDDLE RIO GRANDE CONSERVANCY DISTRICT PROPERTY MAP NO. 14, VILLAGE OF CORRALES, SANDOVAL COUNTY, NEW MEXICO", FILED IN THE OFFICE OF THE COUNTY CLERK OF SANDOVAL COUNTY, NEW MEXICO, ON DECEMBER 11, 1992, VOLUME 3, FOLIO 1019-B, INSTRUMENT NO. 271.

c. Land in Mora County, New Mexico, which is more particularly described as follows:

A CERTAIN TRACT OF LAND WITHIN THE MORA GRANT, BEING SITUATE IN SECTIONS 25 AND 36, TOWNSHIP 21 NORTH, RANGE 14 EAST, NEW MEXICO, PRINCIPAL MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOR THE SECTION CORNER COMMON TO SECTIONS 25 AND 36, TOWNSHIP 21 NORTH, RANGE 14 EAST, NEW MEXICO PRINCIPAL MERIDIAN; THENCE DUE NORTH A DISTANCE OF 847.82 FEET; THENCE S. 49°51'E., A DISTANCE OF 2614.45 FEET; THENCE S. 42°58'W. A DISTANCE OF 2109.41 FEET; THENCE S. 59°09'E. A DISTANCE OF 371 FEET; THENCE S. 70°54'E. A DISTANCE OF 256.95 FEET; THENCE DUE NORTH A DISTANCE OF 2106.99 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING 82.044 ACRES, MORE OR LESS, TOGETHER WITH ALL WATER RIGHTS AND EASEMENTS PERTAINING TO THE ABOVE DESCRIBED PROPERTY.

d. Land in Mora County, New Mexico, which is more particularly described as follows:

TRACT B: A CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATE WITHIN THE MORA GRANT, IN SECTIONS 25 AND 36, TOWNSHIP 21 NORTH, RANGE 14 EAST, N.M.P.M. COUNTY OF MORA, STATE OF NEW MEXICO, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, ALSO BEING A POINT ON THE SANTA FE NATIONAL FOREST BOUNDARY, FROM WHICH POINT THE SECTION CORNER COMMON TO SECTIONS 25 AND 36 T. 21 N., R 14 E., N.M.P.M. BEARS SOUTH, A DISTANCE OF 847.82 FEET; THENCE FROM SAID POINT OF BEGINNING, S. 49°51'00"E., A DISTANCE OF 1307.22 FEET TO A POINT; THENCE S. 40°09'00"W., A DISTANCE OF 150.00 FEET TO A POINT; THENCE N. 49°51'00"W., A DISTANCE OF 1180.69 FEET TO A POINT ON THE SANTA FE NATIONAL FOREST BOUNDARY; THENCE DUE NORTH, ALONG SAID FOREST BOUNDARY, A DISTANCE OF 196.24 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 4.284 ACRES MORE OR LESS. TOGETHER WITH ALL WATER RIGHTS AND EASEMENTS PERTAINING TO THE ABOVE DESCRIBED PROPERTY. SHOWN AS TRACT B ON PLAT OF SURVEY ENTITLED "REPLAT OF SURVEY FOR DANA JARVIS" PREPARED BY ARSENIO J. MARTINEZ, N.M.L.S. NO. 4254, IN JULY, 1972.

2. BANK ACCOUNTS

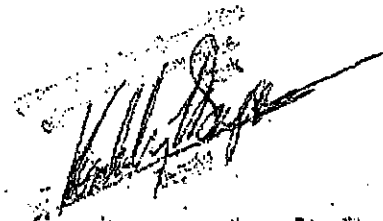
All United States currency, funds, or other monetary instruments credited to account number 2937487, in the name of Greg and Mary Hill, located at Monroe Bank in Bloomington, Indiana, or its successor in interest.

A TRUE BILL:

/s/ _____
FOREPERSON OF THE GRAND JURY

DAVID C. IGLESIAS
United States Attorney

04/25/08 10:12am



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Kristen L. Mix

Laura Blunkall

United States Magistrate Judge

Deputy Clerk

Case Number: 08-mj-1181

FTR KLM PM

September 30, 2008

UNITED STATES OF AMERICA

Zachary Phillips

v.

GEORGE OSGOOD

Without Counsel

**INITIAL APPEARANCE ON RULE 5 FROM THE DISTRICT OF NEW
MEXICO**

Court in Session: 2:06 pm

Court calls case and appearances of counsel.

Katrina Devine is present from pretrial services.

The defendant is advised of rights, charges and possible penalties.

The defendant is requesting court appointed counsel.

Financial affidavit reviewed.

The court finds that the defendant qualifies for court appointed counsel.

The court appoints an attorney from the office of the Federal Public
Defender.

Government is seeking detention.

ORDERED: Identity and detention hearing set for October 3, 2008 at
10:00 am.

ORDERED: Defendant is remanded to the custody of the United States

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CASE NO. 08-mj-01181-KLM

UNITED STATES OF AMERICA,

Plaintiff,

v.

GEORGE OSGOOD,
a/k/a Mushroom George,

Defendant.

NOTICE OF APPEARANCE
OBJECTION TO RULE 10 ARRAIGNMENT BY VIDEO CONFERENCE

The Office of the Federal Public Defender, by and through undersigned counsel, hereby enters its appearance in the above captioned case.

The defendant, through undersigned counsel, objects to the arraignment under Rule 10 of the Federal Rules of Criminal Procedure being conducted by video conference and requests to be personally present in open court during the arraignment.

Respectfully submitted,

RAYMOND P. MOORE
Federal Public Defender

s/ Edward R. Harris
Edward R. Harris
Assistant Federal Public Defender
633 17th Street, Suite 1000
Denver, CO 80202
Telephone: (303) 294-7002
FAX: (303) 294-1192
Edward_Harris@fd.org
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2008, I electronically filed the foregoing **NOTICE OF APPEARANCE OBJECTION TO RULE 10 ARRAIGNMENT BY VIDEO CONFERENCE** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

Zachary Phillips, Assistant United States Attorney
Zachary.Phillips@usdoj.gov

and I hereby certify that I have mailed or served the document or paper to the following non CM/ECF participant in the manner (mail, hand-delivery, etc.) indicated by the non-participant's name:

George Osgood (via U.S. Mail)

s/ Edward R. Harris
Edward R. Harris
Assistant Federal Public Defender
633 17th Street, Suite 1000
Denver, CO 80202
Telephone: (303) 294-7002
FAX: (303) 294-1192
Edward_Harris@fd.org
Attorney for Defendant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Kristen L. Mix

Laura Blunkall

United States Magistrate Judge

Deputy Clerk

Case Number: 08-mj-1181

FTR KLM AM

October 3, 2008

UNITED STATES OF AMERICA

Zachary Phillips

v.

GEORGE OSGOOD

Edward Harris

**IDENTITY AND DETENTION AND HEARING ON RULE 5 FROM THE
DISTRICT OF NEW MEXICO**

Court in Session: 10:23 am

Court calls case and appearances of counsel.

Sue Heckman is present from pretrial services.

Defendant tenders a waiver of the identity and preliminary hearing to the court.

Waiver accepted as knowing and voluntary.

Government continues to seek detention.

Defendant is contesting detention.

Statements from defense counsel regarding the issue of detention.

Court presents findings:

No condition or combination of conditions exist to reasonably assure the defendant's presence for further proceedings.

ORDERED: Defendant detained, to be transported to the District of New Mexico.

ORDERED: Defendant remanded to the custody of the United States

AO 466 (Rev. 10/03) Waiver of Rule 32.1 Hearings

UNITED STATES DISTRICT COURT

DISTRICT OF COLORADO

UNITED STATES OF AMERICA

WAIVER OF RULE 32.1 HEARINGS

v.

George Osgood

Defendant

CASE NUMBER: 08 MJ 01181-KLMCHARGING DISTRICTS
CASE NUMBER: CR 05 1849 JH

I understand that charges are pending in the _____ District of New Mexico
 alleging violation of 21 USC 846 and that I have been arrested in this district and

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (but only if I will be kept in custody, and the hearing will only be held in this district if the alleged violation occurred here) to determine whether there is probable cause to believe a violation occurred; and
- (4) a hearing under Rule 32.1(a)(6), Fed. R. Crim. P., in which I have the burden of establishing my eligibility for release from custody.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- (☒) identity hearing
- (☒) preliminary hearing
- () identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

10/7/08

Date

George Osgood

Defendant

[Signature]

Defense Counsel

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kristen L. Mix

Case No. 08-mj-01181

UNITED STATES OF AMERICA,

Plaintiff,

v.

GEORGE OSGOOD,

Defendant.

ORDER OF DETENTION

THIS MATTER came before the Court for a detention hearing on October 3, 2008. Present were the following: Zachary Phillips, Assistant United States Attorney; Assistant Federal Public Defender Edward Harris, counsel for the defendant; and the defendant. The Court reviewed the Pretrial Services Report and considered the comments of counsel.

The Court has concluded that no condition or combination of conditions of release will reasonably assure the appearance of the defendant and the safety of the community, based upon the attached findings.

IT IS HEREBY ORDERED that the defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and

IT IS FURTHER ORDERED that the defendant is to be afforded a reasonable opportunity to consult confidentially with defense counsel; and

IT IS FURTHER ORDERED that upon order of this Court or on request of an attorney for the United States of America, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purposes of an appearance in connection with this proceeding.

DATED and ENTERED this 3rd day of October, 2008.

BY THE COURT:

s/ Kristen L. Mix
U.S. Magistrate Judge
Kristen L. Mix

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kristen L. Mix

Case No. 08-mj-01181

UNITED STATES OF AMERICA,

Plaintiff,

v.

GEORGE OSGOOD,

Defendant.

FINDINGS OF FACT, CONCLUSION OF LAW and REASONS FOR
ORDER OF DETENTION

THIS MATTER came before the Court for a detention hearing on October 3, 2008. The Court has taken judicial notice of the Pretrial Services Report and considered the comments of counsel.

In order to sustain a motion for detention, the government must establish that (a) there is no condition or combination of conditions which could be imposed in connection with pretrial release that would reasonably insure the defendant's presence for court proceedings; or (b) there is no condition or combination of conditions which could be imposed in connection with pretrial release that would reasonably insure the safety of any other person or the community. The former element must be established by a preponderance of the evidence, while the latter requires proof by clear and convincing evidence.

The Bail Reform Act, 18 U.S.C. § 3142(g), directs the Court to consider the following factors in determining whether there are conditions of release that reasonably assure the appearance of the defendant as required and the safety of any other person and the community:

- (1) [t]he nature and circumstances of the offense charged, including whether the offense is a crime of violence or involves a narcotic drug;
- (2) the weight of the evidence against the person;
- (3) the history and characteristics of the person, including –
 - (A) the person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and
 - (B) whether at the time of the current offense or arrest, the person was on probation, on parole, or on other release pending trial, sentencing, appeal,

or completion of sentence for an offense under Federal, State or local law;
and

- (4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release.

In making my findings of fact, I have taken judicial notice of the information set forth in the entire court file and have considered the comments of counsel. Weighing the statutory factors set forth in the Bail Reform Act, I find the following:

First, the defendant has been charged with violations of 21 U.S.C. §§ 846 and 848 for conspiracy to distribute 1000 kilograms and more of marijuana and continuing criminal enterprise and 18 U.S.C. §§ 1958(h) and (a)(1)(A)(i) and (a)(1)(B)(i) and (2), conspiracy to launder money and money laundering.

Second, I note that the Pretrial Services Report indicates that defendant has a history of illicit drug use and does not have verifiable employment.

Third, I note that the Pretrial Services report indicates that defendant reported that if released, he intended to live in his son's cabin in New Mexico but that he does not maintain regular contact with his son, his son is a student and is "very busy."

After considering all of the factors set forth in the Bail Reform Act and the offenses charged in this case, I find, by a preponderance of the evidence, that no condition or combination of conditions of release will reasonably assure the appearance of the defendant. I also find, by clear and convincing evidence, that no condition or combination of conditions will reasonably assure the safety of the community. In support of those findings, I note the factors listed above, as well as the lengthy sentence that could be imposed if the defendant was found guilty of the charged offenses.

DATED and ENTERED this 3rd day of October, 2008.

BY THE COURT:

s/ Kristen L. Mix
U.S. Magistrate Judge
Kristen L. Mix

AO 94 (Rev. 12/03) Commitment to Another District

<h2 style="margin: 0;">UNITED STATES DISTRICT COURT</h2>			
UNITED STATES OF AMERICA V. George Osgood		District of Colorado COMMITMENT TO ANOTHER DISTRICT	
DOCKET NUMBER		MAGISTRATE JUDGE CASE NUMBER	
District of Arrest	District of Offense	District of Arrest	District of Offense
	CR-05-1849-JH	08-mj-1181	
CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN <input checked="" type="checkbox"/> Indictment <input type="checkbox"/> Information <input type="checkbox"/> Complaint <input type="checkbox"/> Other (specify)			
charging a violation of 21 U.S.C. § 846			
DISTRICT OF OFFENSE New Mexico			
DESCRIPTION OF CHARGES: = Conspiracy to distribute marijuana, conspiracy to launder money, money laundering, continuing criminal enterprise			
CURRENT BOND STATUS: <input type="checkbox"/> Bail fixed at \$ _____ and conditions were not met <input type="checkbox"/> Government moved for detention and defendant detained after hearing in District of Arrest <input type="checkbox"/> Government moved for detention and defendant detained pending detention hearing in District of Offense <input type="checkbox"/> Other (specify) _____			
Representation: <input type="checkbox"/> Retained Own Counsel <input checked="" type="checkbox"/> Federal Defender Organization <input type="checkbox"/> CJA Attorney <input type="checkbox"/> None			
Interpreter Required? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Language: _____			
DISTRICT OF			
TO: THE UNITED STATES MARSHAL <p>You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;"> 10-3-08 Date </div> <div style="text-align: center;"> [Signature] Judge </div> </div>			
RETURN			
This commitment was received and executed as follows:			
DATE COMMITMENT ORDER RECEIVED		PLACE OF COMMITMENT	
DATE		DATE DEFENDANT COMMITTED	
UNITED STATES MARSHAL		(BY) DEPUTY MARSHAL	